

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRADLEY ABELL
108 Maryland Road
Stevensville, Maryland 21666

and

JESSICA CONNELL
108 Maryland Road
Stevensville, Maryland 21666

Plaintiffs,

vs.

GOLDEN HAWK TRANSPORTATION CO.
c/o Raymond T. Miller, Agent
4594 U.S. Route 30
Crestline, Ohio 44827

and

KENNETH SEXTON
413 Lida Street
Mansfield, Ohio 44903

Defendants.

Case No: _____

Judge _____

COMPLAINT AND
JURY DEMAND

INTRODUCTION

1. This personal injury action involves Defendants' failure to exercise reasonable care with regard Plaintiffs who were the occupants of a motor vehicle, and who sustained severe and permanent injuries as a result of the negligence of Defendants. Plaintiffs were driving lawfully on the highway when Defendants' tractor trailer entered their pathway, resulting in a severe crash and significant injuries.

Defendants failed to yield at a stop sign, resulting in the crash and injuries to Plaintiffs.

JURISDICTION & VENUE

2. Jurisdiction over this civil action is conferred on this Court by 28 U.S.C. § 1332, as there is complete diversity between the parties and the amount in controversy exceeds \$75,000. Jurisdiction over the state law claims is conferred upon this Court by 28 U.S.C. § 1367.

3. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b)(2) and N.D. Ohio Civ. R. 3.8(b), as a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this judicial district.

PARTIES

4. Plaintiffs Bradley Abell and Jessica Connell are residents of Stevensville, Maryland, who were, at all times relevant, the driver and passenger, respectively, of a motor vehicle in transit in Richland County, Ohio.

5. Defendant Golden Hawk Transportation Co. ("Golden Hawk") is an Ohio corporation with its principal place of business located in Crestline, Richland County, Ohio. Golden Hawk, by and through its agents, employees, and members, operates motor vehicles on Ohio's roadways.

6. Defendant Kenneth Sexton ("Defendant Sexton") is an individual who resides in Mansfield, Richland County, Ohio. At all times relevant, Defendant Sexton was an agent, employee, and/or member of Golden Hawk and was engaged in activities within the scope of his agency/employment.

FACTUAL BACKGROUND

7. At approximately 12:42 PM on April 14, 2018, Bradley Abell ("Bradley") was the belted driver of a 2008 Ford Expedition travelling Eastbound on US-30 in Richland County, Ohio, near the exit ramp from Interstate 71. Jessica Connell ("Jessica") was a passenger in the Expedition.

8. At that same time, Defendant Sexton was driving a 1997 Peterbilt tractor with a trailer attached (collectively the "Truck") heading Northbound on the Interstate 71 exit ramp at the intersection with US-30.

9. The Truck was owned by Golden Hawk.

10. Defendant Sexton was driving the Truck as an employee or agent of Golden Hawk at all times relevant.

11. As Defendant Sexton approached US-30 on the exit ramp, he failed to slow the Truck down and stop at a stop sign. As a result, he proceeded into the intersection and into Plaintiffs' lane of travel on US-30.

12. As Bradley's vehicle was travelling at highway speeds with the right of way, he was unable to avoid crashing into the Truck which extended across US-30 and his lanes of travel.

13. The crash resulted in extensive damage to Bradley's motor vehicle and extensive injuries to Bradley and Jessica.

14. Defendant Sexton was cited by the Ohio State Highway Patrol for violation of R.C. 4511.43(A), for the failure to stop and yield to traffic at a stop sign.

PLAINTIFFS' CLAIMS FOR RELIEF AGAINST DEFENDANTS

Count I: Negligence

15. Defendants, individually or by and through agents and/or employees, were negligent in the maintenance and operation of the Truck, and breached the duty of care they owed to Bradley and Jessica.

16. As a direct and proximate result of the negligence of Defendants as set forth above, Bradley suffered permanent and severe injuries, including, *inter alia*, multiple open fractures to his face and both arms. Said injuries have caused him significant pain and suffering and mental anguish, and will continue to cause same in the future due to the permanent nature of his injuries. Further, said injuries resulted in the need for multiple surgeries, continued complications therefrom, extensive physical therapy, and numerous ongoing evaluations by medical specialists.

17. As a direct and proximate result of the negligence of Defendants as set forth above, Jessica suffered permanent and severe injuries to her body. Said injuries have caused her significant pain and suffering and mental anguish, and will continue to do so in the future.

18. As a further direct and proximate result of Defendants' negligence, both Bradley and Jessica incurred medical and related expenses, and will continue to incur same in the future due to the permanent nature of their injuries.

19. As a further direct and proximate result of Defendants' negligence, both Bradley and Jessica have sustained lost wages and an impairment of earning capacity.

20. As a further direct and proximate result of Defendants' negligence, the

personal property of Bradley and Jessica was damaged and/or destroyed.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in an amount in excess of Seventy-five Thousand Dollars (\$75,000.00) plus interest, the costs of this action, and any other relief this Court deems just and equitable.

Respectfully submitted,

s/ Craig S. Tuttle
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JURY DEMAND

Plaintiffs hereby respectfully demand a jury of eight as to all issues contained herein.

s/ Craig S. Tuttle
Craig S. Tuttle